

# UTILITY PATENT APPLICATION TRANSMITTAL (Small Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.  
DI-1-3

Total Pages in this Submission  
101

## TO THE COMMISSIONER FOR PATENTS

Mail Stop Patent Application  
P.O. Box 1450

Alexandria, VA 22313-1450

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

"METHOD TO DETECT IgE"

and invented by:

Glenn R. Frank, James P. Porter, Keith E. Rushlow, Donald L. Wassom

22264 U.S. PTO  
10/763400  
012304

If a **CONTINUATION APPLICATION**, check appropriate box and supply the requisite information:

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 09/944,277

Which is a:

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 09/285,873

Which is a:

☐ Continuation ☒ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 08/756,387

Enclosed are:

### Application Elements

1. ☐ Filing fee as calculated and transmitted as described below
2. ☒ Specification having 78 pages and including the following:
  - a. ☒ Descriptive Title of the Invention
  - b. ☐ Cross References to Related Applications (if applicable)
  - c. ☐ Statement Regarding Federally-sponsored Research/Development (if applicable)
  - d. ☒ Reference to Sequence Listing, a Table, or a Computer Program Listing Appendix
  - e. ☒ Background of the Invention
  - f. ☒ Brief Summary of the Invention
  - g. ☒ Brief Description of the Drawings (if filed)
  - h. ☒ Detailed Description
  - i. ☒ Claim(s) as Classified Below
  - j. ☒ Abstract of the Disclosure

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## Application Elements (Continued)

3. ☒ Drawing(s) (when necessary as prescribed by 35 USC 113)
- a. ☐ Formal      Number of Sheets \_\_\_\_\_
- b. ☒ Informal      Number of Sheets 11
4. ☒ Oath or Declaration
- a. ☐ Newly executed (original or copy)      ☐ Unexecuted
- b. ☒ Copy from a prior application (37 CFR 1.63(d)) (for continuation/divisional application only)
- c. ☒ With Power of Attorney      ☐ Without Power of Attorney
- d. ☐ DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) named in the prior application,  
see 37 C.F.R. 1.63(d)(2) and 1.33(b).
5. ☐ Incorporation By Reference (usable if Box 4b is checked)  
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
6. ☐ CD ROM or CD-R in duplicate, large table or Computer Program (Appendix)
7. ☐ Application Data Sheet (See 37 CFR 1.76)
8. ☒ Nucleotide and/or Amino Acid Sequence Submission (if applicable, all must be included)
- a. ☐ Computer Readable Form (CFR)
- b. ☒ Specification Sequence Listing on:
- i. ☐ CD-ROM or CD-R (2 copies); or
- ii. ☒ Paper
- c. ☒ Statement(s) Verifying Identical Paper and Computer Readable Copy
- The paper copy of the Sequence Listing attached is identical to the paper and CRF copies of the corrected sequence listing submitted in prior application, 08/756,387, on October 20, 1997. Pursuant to 37 C.F.R. § 1.821(e), reference is hereby made to that computer readable form and Applicants request that the computer readable form submitted in 08/756,387 be used in lieu of filing a duplicate computer readable form with this application |

## Accompanying Application Parts

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(B) Statement (when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement/PTO-1449      ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☒ Certificate of Mailing
- ☐ First Class      ☒ Express Mail (Specify Label No.): EV 322825484 US

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Total Pages in this Submission  
101

☒ (Optional) Small Entity Statement(s) - Specify Number of Statements Submitted: **one**

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## P01USML/REV06

04772 U.S. PTO  
012304

**UTILITY PATENT APPLICATION TRANSMITTAL**  
**(Small Entity)**

*(Only for new nonprovisional applications under 37 CFR 1.53(b))*

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**Fee Calculation and Transmittal**

**CLAIMS AS FILED**

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	105	- 20 =	85	x \$9.00	\$765.00
Indep. Claims	7	- 3 =	4	x \$43.00	\$172.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
<b>BASIC FEE</b>					\$385.00
<b>OTHER FEE (specify purpose)</b> _____					\$0.00
<b>TOTAL FILING FEE</b>					<b>\$1,322.00</b>

- ☐ A check in the amount of \_\_\_\_\_ to cover the filing fee is enclosed.
- ☐ The Director is hereby authorized to charge and credit Deposit Account No. \_\_\_\_\_ as described below.
- ☐ Charge the amount of \_\_\_\_\_ as filing fee.
- ☐ Credit any overpayment.
- ☐ Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
- ☐ Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

Dated: **January 23, 2004**



**26949**

PATENT TRADEMARK OFFICE

  
Signature

**Timothy L. McCutcheon, Esq., Regis. No. 41,184**  
**Heska Corporation**  
**Intellectual Property Dept.**  
**1613 Prospect Parkway**  
**Fort Collins, CO 80525**  
**Telephone: (970) 493-7272**  
**Facsimile: (970) 491-9976**

CC:

**CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)**

Applicant(s):

Docket No.

DI-1-3

Serial No.

not yet assigned

Filing Date

January 23, 2004

Examiner

Group Art Unit

Invention: "METHOD TO DETECT IgE"

I hereby certify that the following correspondence:

Certificate of Mailing by "Express Mail"; Utility Patent Application Transmittal Letter (Small Entity); copy of Declaration; copy of Verified Statement (Declaration) Claiming Small Entity Status - Small Business Concern; Power of Attorney; 78 pages of specification, sequence listing (corrected), claims and abstract; 11 pages of figures; acknowledgment postcard

*(Identify type of correspondence)*

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

January 23, 2004*(Date)*Susan A. Gordon*(Typed or Printed Name of Person Mailing Correspondence)**(Signature of Person Mailing Correspondence)*EV 322825484 US*("Express Mail" Mailing Label Number)*